

Maine Revised Statutes
Title 36: TAXATION
Chapter 805: COMPUTATION OF TAXABLE
INCOME OF RESIDENT INDIVIDUALS

§5125. ITEMIZED DEDUCTIONS

1. General. An individual who has claimed itemized deductions from federal adjusted gross income in determining the individual's federal taxable income for the taxable year may claim itemized deductions from Maine adjusted gross income as provided in this section.

A. [1987, c. 819, §7 (RP).]

B. [1987, c. 819, §7 (RP).]

[2003, c. 390, §34 (AMD) .]

2. Spouses. Spouses, both of whom are required to file returns under this Part, are allowed to claim itemized deductions from Maine adjusted gross income only if both do so. Their total itemized deductions from federal adjusted gross income, as modified by subsection 3, may be taken by either spouse or divided between them, as they may elect, if their federal income tax is determined on a joint return but their tax under this Part is determined on separate returns. The total itemized deductions from Maine adjusted gross income claimed on a return may not exceed the limitation amount in subsection 4.

[2013, c. 368, Pt. TT, §10 (AMD); 2013, c. 368, Pt. TT, §20 (AFF) .]

3. Amount. The sum of an individual's itemized deductions from federal adjusted gross income must be:

A. Reduced by any amount attributable to income taxes or sales and use taxes imposed by this State or any other taxing jurisdiction; [2005, c. 12, Pt. P, §6 (AMD); 2005, c. 12, Pt. P, §10 (AFF).]

B. Increased by any amount of interest or expense incurred in the production of income taxable under this Part but exempt from federal income tax that was not deducted in determining the individual's federal taxable income; [2003, c. 390, §34 (AMD).]

C. Reduced by any amount of deduction attributable to income taxable to financial institutions under chapter 819; [2003, c. 390, §34 (AMD).]

D. Reduced by any amount attributable to interest or expenses incurred in the production of income exempt from tax under this Part; and [2011, c. 380, Pt. N, §8 (AMD); 2011, c. 380, Pt. N, §§19, 20 (AFF).]

E. Reduced by the amount attributable to any contribution that qualified for and was actually utilized as a credit under section 5216-C. [2011, c. 380, Pt. N, §9 (AMD); 2011, c. 380, Pt. N, §§19, 20 (AFF).]

F. [2011, c. 380, Pt. N, §§19, 20 (AFF); 2011, c. 380, Pt. N, §10 (RP).]

[2011, c. 380, Pt. N, §§8-10 (AMD); 2011, c. 380, Pt. N, §§19, 20 (AFF) .]

4. Limitation. The total itemized deductions from Maine adjusted gross income claimed on a return may not exceed \$27,500, except the limitation does not apply to medical and dental expenses included in an individual's itemized deductions from federal adjusted gross income.

[2013, c. 595, Pt. T, §1 (AMD); 2013, c. 595, Pt. T, §2 (AFF) .]

5. Charitable contributions. The following amounts in excess of the limitation on itemized deductions under subsection 4 may be claimed:

A. For tax years beginning in 2016, charitable contributions included in federal itemized deductions up to \$18,000; and [2013, c. 590, §1 (NEW) .]

B. For tax years beginning on or after January 1, 2017, the amount of charitable contributions included in federal itemized deductions. [2013, c. 590, §1 (NEW) .]

[2013, c. 590, §1 (NEW) .]

SECTION HISTORY

P&SL 1969, c. 154, §F1 (NEW). 1987, c. 819, §7 (RPR). 1995, c. 281, §§27,28 (AMD). 1999, c. 708, §37 (AMD). 2003, c. 390, §34 (AMD). 2005, c. 12, §P6 (AMD). 2005, c. 12, §P10 (AFF). 2007, c. 539, Pt. CCC, §§9-11 (AMD). 2011, c. 380, Pt. N, §§8-10 (AMD). 2011, c. 380, Pt. N, §§19, 20 (AFF). 2013, c. 368, Pt. TT, §§10, 11 (AMD). 2013, c. 368, Pt. TT, §20 (AFF). 2013, c. 590, §1 (AMD). 2013, c. 595, Pt. T, §1 (AMD). 2013, c. 595, Pt. T, §2 (AFF).

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